

**WOODSTOCK PLANNING & ZONING COMMISSION  
REGULAR MONTHLY MEETING  
THURSDAY, JUNE 21, 2012, 7:30 P.M.  
WOODSTOCK TOWN HALL, MEETING ROOM 1**

**MINUTES**

**I. MONTHLY MEETING**

- a. Call to Order – Meeting was called to order by Chair Gordon at 7:31 p.m.
- b. Roll Call – David Fortin, Travis Sirrine, Jeff Gordon, Joseph Adiletta, Dorothy Durst, Dexter Young (7:32), Syd Blodgett (7:35), Delia Fey (ZEO/TownPlanner), Tina Lajoie (PZC Clerk)  
Absent – Fred Rich, John Anastasi, Gail Dickinson, Lynne White, Ken Goldsmith

**II. CITIZEN'S COMMENTS – None**

(Dexter Young is now present at 7:32 p.m.)

**III. CHAIR'S REPORT**

Chair Gordon takes a moment to thank the Commission for their hard work on the regulation review.

**IV. DESIGNATION OF ALTERNATES - Travis Sirrine is seated.**

**V. MINUTES**

Meeting Minutes – May 17, 2012

**MOTION TO APPROVE MINUTES BY JOSEPH ADILETTA, SECONDED BY DAVE FORTIN. Discussion:** Gordon would like one additional item noted on page 10 where agenda items were tabled to the June 21<sup>st</sup> meeting. It should be noted in the minutes the reason the items were tabled was due to being beyond the 11:00 p.m. deadline for new business. Also, the adjournment should read a.m. and not p.m.  
**MOTION CARRIED UNANIMOUSLY.**

(Syd Blodgett present at 7:35 p.m.)

**VI. EROSION & SEDIMENT CONTROL PLAN** (Planning Commission must review & approve, per condition of approval on subdivision #193 Doris Durst, 3- lots approved on Center Road 10/16/1986) proposed new house at Center Road, (Map 5128, Block 23, Lot 01-E)

Delia has a copy of the Mylar filed in 1986 for PZC to review. Applicant was on the Board of Selectman's meeting agenda this evening for approval for the driveway permit that was also a condition and it was approved. Mr. Pollock is present to answer any questions. There is no need for our engineer to review

since this is within Ms. Fey's purview. She has done many similar reviews in the past. Dorothy Durst would like the record clear that there is no conflict of interest with her participation since the property that was subdivided in 1986 was owned by a relative and she has no interest in any outcome.

**MOTION BY DAVE FORTIN TO APPROVE THE E&S PLAN AS REQUIRED, SECONDED BY DEXTER YOUNG. MOTION CARRIED UNANIMOUSLY.** Dorothy Durst comments that the information was not submitted in a timely manner for the PZC to review ahead of time. She asks that any future applications or requests be included in their packets, if possible.

## **VII. PRELIMINARY DISCUSSION**

### **Adam Golka & Michael Lynch, 7 Pole Bridge Rd – proposed craft beer brewery**

Mr. Golka and Mr. Lynch are both present. As a reminder from Chair Gordon, this is nonbinding and simply a forum to guide the applicant before the application is submitted. Adiletta has questions about how the excess or waste will be handled. The waste will be used as cattle feed for two local farms. All chemicals used to clean the equipment will be treated, PH neutralized before going into the septic tank. The ingredients are no different than what is used in a household. They are anticipating three brew sessions a week. No change to the building is proposed. There will be other permits and approvals that will be required from other state agencies. The lot is on the corner of Pole Bridge Rd and Route 197. There is also a separate commercial building on the same lot where Glassworks operates. It is a 12.7 acre parcel. Business access would be off of Pole Bridge Road. The two businesses on the lot may share common parking. As stated by Fey, the Glassworks business has minimal traffic, only two employees, no customers, and some deliveries. Adam Golka comments that the brewery business and Glassworks business will not have the same hours of operation. It is stated that Glassworks did not require a special permit because it was a grandfathered business and the change of use was for a similar type of business. This brewery does not appear to fall under the same grandfathered category, according to Fey's preliminary research.

There is discussion on the use being similar to Taylor Brook Winery. Fey states that the previous business that Glassworks replaced was in the same part of the building and she toured the area and determined that the previous use did appear to be that of a machine shop. The use has now changed to retail sales, according to Fey. The applicant comments that retail sales are part of the manufacturer's permit. Fey considers her review under zoning, which is different than what is stated as retail under manufacturing, and she recommends the special permitting process.

Mr. Golka makes a statement, for the record, that this property was actually a light manufacturing wood shop in the 1970's and 1980's. PZC is asking Ms.

Fey to research the previous use since that may change the facts in determining whether this should be a special permit or zoning application, grandfathered use.

#### **VIII. PUBLIC HEARINGS AT 8:07 P.M.**

##### **a. #605-03-12 Dave & Jen Dean Brown, 232 West Quasset Road (Map 6393, Block 65, Lot 12) – 2 Lot Resubdivision**

Paul Archer, Licensed Surveyor, is present on behalf of the applicant, along with Attorney William St. Onge. For the record, additional documents were accepted into the record:

- Conservation Commission's response regarding fee in lieu;
- Recommendations from Attorney DeCrescenzo regarding waiver request;
- Response from the Fire Marshal;
- Response from the Town Planner;
- Fee in lieu process detailed for PZC from Attorney DeCrescenzo (06-14-12);
- Updated appraisal on entire 9.51 parcel;
- Additional written waiver request from the applicant.

Paul Archer addresses the memo received from Delia Fey. Archer met with Richard Baron at the site and discussed options. It was agreed by Archer and Baron that a note should be placed on the plan requiring the proposed house to have a sprinkler system (NFPA 13D). This is in lieu of the water tank requirement that applicant is asking for a waiver on. The Fire Marshal has also requested a change in the driveway, widening the common driveway to 18 feet. Waiver for homeowner association is also requested since only one lot is being created. Applicant is proposing a homeowner maintenance agreement. Health Department revised their original letter and now shows the town of Woodstock.

Attorney St. Onge now addresses the appraisal before the Commission. The appraisal was \$175,000, at 10%, \$17,500. Applicant is asking PZC to consider allocating to the new lot a sum of \$8,750, which is half of the 50%. The state statutes specifically provide a "maximum" open space fee of 10%. There is no minimum fee and we are not bound to 10%, although most towns have traditionally done so. His argument is if the applicant were to create two building lots, they should pay the full amount. However they are requesting PZC's consideration with the determination of there being only one new lot created therefore ½ of the 10% amount should be acceptable.

Fortin questions the appraisal and why it is the same date as the last one submitted. It appears that the numbers were changed to reflect the increase in lot size, but the date was not. Original appraisal was for 4.01 acres at

\$150,000. The second is on 9.51 acres at \$175,000. The comps originally submitted with the first appraisal were used with the second appraisal and there is discussion on how the appraiser arrived at the new number. Attorney St. Onge cannot respond on behalf of the appraiser, but only as to this particular appraiser being a respected professional in this area with an excellent reputation.

PZC asked to review a previous similar subdivision file for Garth Evans and Leila Philip where a fee in lieu was approved, and it was found that 10% of the appraised value was requested and paid in full. The fee could be required up front however as stated in the Town Attorney's letter, the fee could also be collected with 50% upon sale of the new lot and a lien to be reported against the unsold lot. The Conservation Commission has reviewed the fee in lieu and commented on whether a deed restriction to limit the development to beyond 100 feet of the lake shore might be a good idea. Property owner agreed to no structure within 100 feet of the water. As pointed out by Fey, a deed restriction may not be necessary since the wetlands agency would have to review if there is any disturbance within 125 feet of the water.

There is discussion about easements. The common driveway serves two houses, the existing house and the Skery's house. With the new lot, this common drive will then service three lots. The Skery's do not have an official easement to use the common driveway and are not included on the driveway agreement. They have frontage on West Quasset and can utilize that if necessary. Attorney St. Onge has offered to include a line in the agreement that neither party will obstruct the Skery's crossing the first 100 feet of the common drive.

**MOTION BY DAVE FORTIN, SECONDED BY DEXER YOUNG TO CLOSE PUBLIC HEARING #605-03-12 AT 9:08 P.M. MOTION CARRIED UNANIMOUSLY.**

**b. #041912-1 Woodstock Academy – text amendment to address student housing**

Chair Gordon states for the record that an updated text was received on June 14<sup>th</sup> from Attorney Cotnoir. Ms. Fey has also submitted an updated memo to PZC dated May 31. Also, an e-mail from the Fire Marshal was submitted that answers some of the questions the Commission had. An additional e-mail was submitted from NDDH following up on questions of the Commission regarding sanitation and septic. There are extra copies of the draft text for the public.

Attorney Ernest Cotnoir, 163 Providence Street, Putnam, CT, is present on behalf of the Academy. Revisions were made to the document based on last month's meeting, NDDH, Fire Marshal and Town Planner's comments. The

areas revised are highlighted below by Attorney Cotnoir as follows. Please see the actual document received 06-26-2012 for complete text.

- Definitions added – student and student housing
- Subsection D of section 3 of article IV. Add, “subsections 1 through 10, inclusive”
- Subsection A, section 1 of article V adds, “An existing dwelling containing no more than two dwelling units to be used for Student Housing, subject to the additional requirements contained in the regulations.”
- Article VI adds, “Article VI, Section 5. Student Housing. No building, structure or premises shall be used for Student Housing until a Zoning Permit has been granted in accordance with the provisions of this section.”
- Added provisions to allow Building Official to make recommendations beyond code compliance.
- Deleted reference to sanitation and made clarification as to water and septic system.
- Health department is to make the determination of maximum number of occupants based on what can be supported by the septic system.
- CO has to have been issued 12 months prior to the date of the application. And if in fact there is no CO due to the age of home, then this qualification is met by evidence that the premises has been occupied as a 1 or 2 family home for the 12 months prior.
- Section A – compliance with the zoning regulations was added.
- Added references to Historic Properties Commission and Historic District.
- No student housing to be closer than 750 feet – eliminated waiver provision.
- Specified that there should be no resident student parking.
- No parking in any required front yard setback, rear yard setback, side yard setback – (Now conforms to the current zoning definition).
- Maximum of 9 students per unit – Now additional requirement of 50 square feet of usable floor area. If a housing code or NDDH requires a greater amount of room or fewer occupants, then that will control.
- Any bedroom must have a hardwired battery backup smoke detector.
- Section I – Initial permit expires on Aug 31, unless renewed. Renewal process has been made clear.
- Provision was added that initial application must be heard at a Public Hearing.

After Attorney Cotnoir’s presentation of revisions, PZC and public were given an opportunity to ask questions and clarification was given on the process. There was discussion on fees, additional revisions and time limit for renewal.

Any fee structure recommendations for renewal need to be decided at a town meeting. For the record, there is an existing Notice of Violation pending on 599 Route 169 student housing WA property.

The following were the changes agreed to and requested by PZC on the June 14, 2012 text amendment document:

- Line 43 after the word “septic” add the words, “or sewer”
- Line 49 after the word “been”, change the word “occupied” to “assessed”
- Lines 90 and 103, change the reference from Aug 31 to July 31.
- Capitalize “Certificate of Occupancy”
- Line 52 – Correct to “Marshal”

**MOTION BY DAVE FORTIN, SECONDED BY DEXTER YOUNG TO CLOSE THE PUBLIC HEARING #041912-1. MOTION CARRIED UNANIMOUSLY.**

**MOTION BY DAVE FORTIN/JOSEPH ADILETTA TO CONTINUE BUSINESS AFTER 10:00 P.M. MOTION CARRIED UNANIMOUSLY.**

#### **IX. UNFINISHED BUSINESS.**

##### **a. #605-03-12 Dave & Jen Dean Brown, 232 West Quasset Road (Map 6393, Block 65, Lot 226-2) – 2 Lot Re-subdivision**

As indicated by Chair Gordon, there are three waiver requests that need to be voted upon (Seven votes required for approval) and the fee in lieu. The dollar amount needs to be decided along with the conditions.

**MOTION TO APPROVE #605-03-12 BY DEXTER YOUNG, SECONDED BY JOSEPH ADILETTA.**

Discussion: Waivers to be addressed individually.

1. Article X, Section 4, Water tanks
2. Article V, Section 4c, Common driveways
3. Subdivision Regulations, Article IV, 2b, requirement to have a Planner, Landscape Architect and site designer.

**MOTION BY DAVE FORTIN TO ACCEPT THE RECOMMENDATIONS OF THE FIRE MARSHAL TO USE A SPRINKLER SYSTEM IN THE HOUSE THAT WILL BE BUILT, SECONDED BY DOTTIE DURST. The Town Planner and Town Counsel were queried, as required. (Water tank waived). MOTION CARRIED UNANIMOUSLY (7 IN FAVOR).**

**MOTION BY DEXTER YOUNG, SECONDED BY JOSEPH ADILETTA TO ACCEPT THE WAIVER FOR COMMON DRIVEWAY-HOMEOWNER’S ASSOCIATION. THERE WILL BE A MAINTENANCE AGREEMENT. MOTION CARRIED UNANIMOUSLY (7 IN FAVOR).**

**MOTION BY SYD BLODGETT, SECONDED BY DAVE FORTIN TO APPROVE WAIVER FOR PLANNER, LANDSCAPE ARCHITECT. AND SITE DESIGNER. MOTION CARRIED UNANIMOUSLY. (7 IN FAVOR).**

**MOTION BY DAVE FORTIN TO ACCEPT THE FEE IN LIEU OF CONSERVATION AND THE APPRAISAL, AND 50% OF THE FEE \$17,500 HAS TO BE PAID ON THE SALE OF THE NEW LOT, AND THE OTHER HALF TO BE PLACED AS A LIEN AGAINST THE EXISTING LOT THAT HAS A HOME ON IT, IF THAT LOT IS EVER SOLD. SECONDED BY SYD BLODGETT.**

Discussion on whether this is a fair assessment and how this fee in lieu should be carried out.

**MOTION BY DAVE FORTIN TO AMEND HIS MOTION TO COLLECT THE ENTIRE FEE ON THE SALE OF THE FIRST LOT, ACCEPT THE FEE IN LIEU OF CONSERVATION WITH PAYMENT OF \$17,500 PAYABLE UPON THE SALE OF THE NEW LOT. SECONDED BY SYD BLODGETT. MOTION CARRIED. TRAVIS SIRRINE ABSTAINS.**

**MOTION BY DOTTIE DURST TO ACCEPT THE MAINTENANCE AGREEMENT AS WRITTEN WITH ADDITIONAL WORDING THAT WAS AGREED TO ALLOW THE OWNER OF LOT NUMBER 1, AS SHOWN ON THE ORIGINAL SUBDIVISION PLAN DATED AUG 30, 1972, ACCESS TO THAT PORTION OF THE COMMON DRIVE. SECONDED BY JOSEPH ADILETTA.** Discussion: Fortin would like to understand the logic behind this requirement. It is discussed in detail. **Dexter Young, Travis Serrine and Dave Fortin were opposed. Dottie Durst, Joseph Adiletta, Syd Blodgett and Jeff Gordon are in favor. MOTION CARRIES.**

**MOTION BY JOE ADILETTA TO ACCEPT THE BOND AMOUNTS AS SUBMITTED, E&S CONTROLS BOND FOR \$6,370 AND DRIVEWAY COST BOND OF \$15,260, SECONDED BY DOTTIE DURST. MOTION CARRIED UNANIMOUSLY.**

It was stated, for the record, by Joe Adiletta that the issue with the new appraisal being dated with the same date and the same information previously submitted was a bit disturbing. It seems as though more care should have been taken with something like this. The Commission will keep this in mind when appraisers are chosen in the future. Ms. Durst reads the standard stipulations as follows:

The standard stipulations are read for the record and noted as follows:

Standard stipulations of the Woodstock Planning and Zoning Commission for Subdivisions:

1. In evaluating the subdivision application, the Planning and Zoning Commission has relied upon information provided by the applicant and, if such information

subsequently proves to be false, deceptive, incomplete or inaccurate, this subdivision approval shall be modified, suspended or revoked.

2. The final subdivision plans are to be signed and stamped (ink and impression) by the Professional Engineer, Land Surveyor and Landscape Architect.

3. The Applicant shall provide all legal documents for the following, as applies, to the Commission for review and approval. Each such document shall be executed by the subdivision in the approved form prior to endorsement of the subdivision mylar by the Chairman.

- a. Conservation Easements
- b. Common Driveways
- c. Public Road Widening
- d. Fire Protection Easements
- e. Drainage Easements
- f. Text for Homeowner's Association / Articles of Incorporation.

4. The applicant shall comply with the requirements of Connecticut General Statutes Section 8-25 regarding the filing and recording of the subdivision plans.

5. Any person, firm or corporation selling or offering any subdivided lot for sale prior to the filing and recording of the endorsed final subdivision mylar and prior to the satisfaction of all conditions of subdivision approval, shall be fined according to CGS not more than five hundred dollars (\$500) for each lot sold or offered for sale, or as may be amended.

6. No subdivision plan shall be presented for recording or filing to the town clerk or other officer authorized to record or file plans until its approval has been endorsed thereon by the Chairman or Secretary of the Commission, and the filing or recording of a subdivision plan without such approval shall be void.

7. Fire suppression systems/methods shall be installed and confirmed by the ZEO before a Certificate of Occupancy can be issued.

8. The plans submitted to the Commission and duly approved shall closely reflect the actual position of the structures to be built on each lot.

Bonding requirements: Must be posted before the mylars can be signed.

- 1. The subdivision bonds shall be set in the amount as agreed to this evening.
- 2. The Erosion and Sediment Control Bond shall be set in the amount as agreed to this evening.
- 3. If required, the Landscaping Bond and/or the Public Improvements Bond shall be set in the amount as agreed to this evening.

Conditions suggested by the Fire Marshal – Nothing further



Conditions suggested by the Highway Foreman – Nothing.  
 Conditions warranted by the situation – No

Upon determining the above stipulations to be necessary, the Woodstock Planning and Zoning Commission hereby approves the subdivision application identified above.

**VOTE ON MAIN MOTION TO APPROVE WITH ADDITIONS: MOTION PASSES UNANIMOUSLY.**

As suggested by Chair Gordon, open up agenda item IX. b, XI a,b,c, XII a, XIII and XVII.

**MOTION BY DOTTIE DURST TO OPEN ITEMS IX. b, XI a,b,c, XII a,b XIII and XV11, SECONDED BY JOE ADILETTA. MOTION CARRIED UNANIMOUSLY.**

**b. #041912-1 Woodstock Academy – text amendment to address student housing**

**MOTION BY DEXTER YOUNG TO APPROVE THIS TEXT AMENDMENT AS AMENDED, SECONDED TRAVIS SIRRINE. For the record, that includes the amendments that were made this evening that the applicant read off earlier. This approval will also include the effective date of July 25, 2012 which will allow a 15 day appeal period. For the record, the text amendment is consistent with POCD. MOTION CARRIED UNANIMOUSLY.**

**X. ZEO REPORT**

- 36 Walker Lane property owner has contacted Fey and is attempting to work with her to resolve issue.
- 273 Barlow Cemetery Road – inspection was done. Some progress has been made. There will be a follow-up inspection.
- 310 Roseland Park Road – inspection will be done next week
- Bentley Field expansion – details of project were given

**XI. Bills: Transcription of two regular meetings for Chamberlin litigation: \$1,635.67**

**MOTION TO APPROVE BILL BY JOE ADILETTA, SECONDED BY DEXTER YOUNG. MOTION CARRIED UNANIMOUSLY.**

**XII. STATE CONSERVATION AND DEVELOPMENT PLAN, 2<sup>ND</sup> DRAFT FROM THE CT OFFICE OF POLICY AND MANAGEMENT**

Delia went to the meeting and gives an update..

**XIII. EXECUTIVE SESSION PER CGS 1-200 (C) (6) (B) FOR THE PURPOSE OF DISCUSSING PENDING LITIGATION.**

**MOTION BY JOE ADILETTA TO GO INTO EXECUTIVE SESSION, SECONDED BY DOTTIE DURST. MOTION CARRIED UNANIMOUSLY. (EXECUTIVE SESSION AT 11:02.)**

**MOTION TO COME OUT OF EXECUTIVE SESSION BY SYD BLODGETT, SECONDED BY DEXTER YOUNG AT 11:12 P.M. MOTION CARRIED UNANIMOUSLY.**

**MOTION BY JOE ADILETTA TO REQUEST THAT THE TOWN ATTORNEY DEFINE WHAT “PROFESSIONAL SERVICES” MEANS, AS IDENTIFIED IN THE ORDINANCE, AND IF IT DOES NOT INCLUDE LEGAL SERVICES AS THIS, THEN HOW WOULD HE DEFINE LEGAL SERVICES UNDER THE FEE SCHEDULE. SECONDED BY DEXTER YOUNG. MOTION CARRIED UNANIMOUSLY.**

**XIV. ADJOURNMENT**

**MOTION TO ADJOURN AT 11:15 P.M. BY DEXTER YOUNG, SECONDED BY TRAVIS SIRRINE. MOTION CARRIED UNANIMOUSLY.**

Respectfully Submitted,

Tina M. Lajoie, Clerk  
Planning & Zoning Commission

**DISCLAIMER:**

*These minutes have not yet been approved by the Planning & Zoning Commission. Please refer to next month's meeting minutes for approvals and/or amendments to these minutes. The audio recording is available by contacting the Town Planner/ZEO's office at 860-963-2128 (x332).*